

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SERGIO JIMENEZ,

Defendant.

8:21CR30

ORDER

On March 9, 2022, defendant Sergio Jimenez (“Jimenez”) pleaded guilty pursuant to a written plea agreement (Filing No. 50) to possessing with intent to distribute 50 grams or more of actual methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1). The Court sentenced him to 75 months in prison, followed by 3 years of supervised release.

On August 3, 2022, Jimenez filed a Notice of Appeal (Filing No. 60). Now pending before the Court are Jimenez’s Amended Motion for Leave to Appeal In Forma Pauperis (Filing No. 63) and Motion for Court-Appointed Counsel for Appeal (Filing No. 62). In support of his motion for leave, Jimenez has submitted an affidavit indicating he is unable to pay or give security for the fees and costs to appeal. *See* Fed. R. App. P. 24(a).

Upon review, the Court finds Jimenez’s motion for leave should be granted; Jimenez may proceed on appeal in forma pauperis. *See id.*

As for Jimenez’s motion for court-appointed counsel, the Court finds that motion should be directed to the United States Court of Appeals for the Eighth Circuit. Under the Eighth Circuit’s local rules, Jimenez’s “trial counsel, shall represent [him] on appeal, unless the Court of Appeals grants permission to withdraw.” 8th Cir. R. 27B(a).

Based on the foregoing,

IT IS ORDERED:

1. Defendant Sergio Jimenez's Amended Motion for Leave to Appeal In Forma Pauperis (Filing No. 63) is granted.
2. His Motion for Court-Appointed Counsel for Appeal (Filing No. 62) is denied without prejudice to refiling the motion in the United States Court of Appeals for the Eighth Circuit.

Dated this 9th day of August 2022.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge